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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,385	07/05/2002	Andreas Stiegler	West.6492	7062
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O'Shea Getz P.C. 1500 MAIN ST. SUITE 912 SPRINGFIELD, MA 01115				
EXAMINER				
NEWLIN, TIMOTHY R				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/009,385

Applicant(s)

STIEGLER ET AL.

Examiner

Timothy R. Newlin

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's argument is persuasive insofar as Edens does not explicitly teach providing decompressed data on the ring network as recited in claim 6. Accordingly, the previous rejection is withdrawn and a new rejection is made below based on an additional reference.

However, Examiner disagrees with Applicant's argument that Edens "seeks to avoid providing decompressed video on the ring network." (Amendment pp. 5-6, ll. 30-33). The language cited by Applicant (Edens col. 13, lines 62-65) does not support such a broad characterization. Rather than representing a constraint on the overall system or a broad teaching against decompressed data, the language only describes what happens specifically to video data received in compressed form. The fact that data is decompressed at a user device such as a television does not preclude the subsequent transmission of that decompressed data onto the ring network for the use of other, less complex devices. Indeed, Edens suggests that functionality as discussed below in the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edens et al., US 6,611,537 in view of Nusbickel et al., US 5,642,151. Edens teaches a local network having a ring network configuration with a plurality of devices each connected within the ring network by a data line to transmit and receive data therebetween, the local network comprising:

a first device configured as a data source that transmits compressed audio and video data onto the ring network [e.g. DVD player or DSS receiver, col. 58, 37-53];

a second device that receives decompressed audio data [e.g. speakers 167, 168, 153, 156];

a third device that receives decompressed video data [e.g. TV 165, Fig. 1],

a fourth device that includes

(i) a bit stream decoder that decodes the compressed audio and video data and provides decompressed audio and video data [decoder 161, Fig. 1, col. 14, l. 10; *also see decoder 3814, col. 102-103, ll. 56-14; Fig. 21(o)*];

(ii) a separation stage that receives the decompressed audio and video data and separates the decompressed audio and video data to provide the decompressed audio data signal and the decompressed video data signal [audio is “extracted”, i.e. separated, from video that is displayed on TV 155 or 165, col. 14, 7-19; also see, e.g., Fig. 21(o)]; and

(iii) a control unit [system command stream processor, Fig. 14(a), serves as control unit, cols. 71-74] that controls the transmission of the decompressed audio

data signal onto the ring network **[decompressed audio is transmitted back onto network, col. 14, 11-19; col. 31, 38-42].**

where the second, third and fourth devices each comprise a data sink and the second, third and fourth devices are separate from each other and connected within the ring network by the data line **[the devices in Edens are logically and physically separate, and are all connected to the ring network data line 120, Fig. 1].**

Examiner notes that a data "sink" is typically defined as a node or device that has incoming branches/data *only*. However, the claim defines the fourth device as a sink, and the fourth device not only receives but *transmits* data as well. So for purposes of examination, the term "sink" may refer to any device that receives data, whether or not the device also transmits data.

While the claim recites "subscribers" rather than devices, the term is broadly construed to mean "devices connected (i.e. subscribing) to a data distribution service", such as that disclosed in Edens. There is no requirement that the subscribers are in separate homes or are in fact different people. Moreover, the claim recites that a subscriber comprises a data sink, which supports the interpretation that a subscriber is equivalent to an individual device. Edens therefore meets the claimed subscriber network.

Edens is silent on transmitting decompressed video data onto the ring network. Nusbeckel provides decompressed video signals to a ring network **[Abstract; col. 9, 9-29; Fig. 2]**, in part to decrease cost and complexity of end user devices **[col. 2, 14-18]**. Given that motivation, it would have been obvious to one of ordinary skill that Edens

could be modified to transmit decompressed signals onto the ring network, thereby supporting devices without dedicated video decoders. Edens itself suggests such a modification by 1) describing how audio data is decompressed at an MPEG decoder, transmitted back onto ring network, then received and played by devices without a decoder, e.g. a speaker **[col. 14, 11-18; also see col. 14, 61-64, noting that network devices need not be complex or expensive]**. A person familiar with video processing would understand that a similar process, such as that taught by Nusbickel, could be used with video data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

TRN